REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed March 16, 2007. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 101

Claims 1, 3, 10, 12, 15-19, 27, and 28 have been rejected under 35 U.S.C. § 101 as being drawn to non-statutory subject matter.

In regard to claims 1 and 3 it is alleged that the claims are directed to non-statutory subject matter because they do not produce a "concrete and tangible result." Applicant disagrees. Regardless, no such "concrete and tangible result" must be shown in cases, such as this one, in which the claims are explicitly directed to a statutory category identified in 35 U.S.C. § 101. In this case, claims 1 and 3 are directed to a process ("method") and therefore are per se directed to statutory subject matter. Applicant directs the Examiner's attention to the USPTO Official Gazette Notice of November 22, 2005, which states:

> . . . an invention is patentable under 35 U.S.C. § 101 as long as it: (i) falls within one of the explicit statutory categories identified in 35 U.S.C. § 101 and (ii) does not comprise one of an abstract idea, a law of nature, or a natural phenomenon (i.e., the three "judicial exceptions").

Official Gazette Notice of November 22, 2005, Section IV.A. Applicant's claimed method clearly is none of an abstract idea, a law of nature, or a natural phenomenon.

Furthermore, Applicant notes that the analysis as to whether a claim produces a "concrete and tangible result" is only performed when (i) the claim is not directed to a statutory category and (ii) the claim is directed to one of an abstract idea, a law of nature, or a natural phenomenon. *See Official Gazette Notice* of November 22, 2005, Section IV.C.

In view of the above, Applicant respectfully submits that claims 1 and 3 are directed to statutory subject matter as defined by 35 U.S.C. § 101 and that the rejections as to those claims should be withdrawn.

Regarding claims 10, 12, 15-19, 27, and 28, Applicant has amended the claims to be directed to a "computer-readable memory" or a "computer-readable storage medium" both of which qualify as machines and/or manufactures under 35 U.S.C. § 101. In view of those amendments, Applicant respectfully submits that claims 10, 12, 15-19, 27, and 28 are directed to statutory subject matter as defined by 35 U.S.C. § 101 and therefore respectfully requests that the rejections as to those claims be withdrawn.

II. Claim Rejections - 35 U.S.C. § 102(a)

Claims 1, 4, 5, 10, 16, 17, 24, and 27 have been rejected under 35 U.S.C. § 102(a) as being anticipated by *Ogasawara* (U.S. Pub. No. 2003/0045979).

As indicated above, each of Applicant's independent claims have been amended through this Response. In view of those amendments, Applicant respectfully submits that the rejections are moot as having been drawn against Applicant's claims in a previous form. Applicant therefore respectfully requests that the rejections be withdrawn.

III. Claim Rejections - 35 U.S.C. § 103(a)

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.

In the present case, the prior art does not teach or suggest all of the claim limitations, and there is no suggestion or motivation in the prior art to modify the references to include those limitations.

A. Rejection of Claims 1, 3-7, 9, 10, 12, 15-19, and 24-28

Claims 1, 3-7, 9, 10, 12, 15-19, and 24-28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Walker, et al.* ("Walker," U.S. Pat. No. 6,494,562) in view of *Maehara* (U.S. Pub. No. 2004/0125393). Applicant respectfully traverses.

1. The Walker Disclosure

Walker discloses a method and apparatus for identifying a sales channel. *Walker*, Patent Title. As described by Walker, a component in a printer stores *seller information* identifying a seller of the printer component. *Walker*, column 3, lines 13-17. When the printer component is exhausted or when a user requests seller information, the printer retrieves the seller information from the printer component and provides it to the user, for example in the display of the printer. *Walker*, column 4, lines 11-18; column 5, lines 10-28.

2. The Maehara Disclosure

Maehara discloses a problem monitoring/reporting system used in an image reproducing apparatus. *Maehara*, paragraphs 0045-0046. When a problem occurs with the apparatus, the apparatus reports the problem to a terminal device. *Maehara*, paragraph 0046. In reporting the problem, various information can be conveyed, including "location information" of the apparatus, so that the apparatus can be located and the problem can be fixed. *Maehara*, paragraph 0059.

3. Applicant's Claims

a. Claims 1, 3-5, and 7-9

Applicant's claim 1 provides as follows (emphasis added):

> 1. A method for implementing device regionalization, comprising:
>
> *identifying with a printing device a region code stored on a component installed within the printing device, the region code identifying a particular geographical region*; and
>
> *setting a geographical region for the printing device to be the geographical region identified by the region code such that only components intended for sale in that geographical region can be used with the printing device*.

(i) No Motivation to Combine/Modify

As an initial matter, Applicant notes that there is absolutely no suggestion or motivation in the prior art to modify Walker's system with the teachings of Maehara. More particularly, there is no suggestion or motivation in the prior art to store "location information" that identifies *the location of a device* on Walker's printer. As described above, Walker's printer stores *seller information* that can be provided to a user when a printer component is exhausted and needs to be reordered. Walker, however, is not concerned with "reporting problems" as in the Maehara reference. Therefore, the Examiner's argument that a person having ordinary skill in the art would be motivated to store "location information" in Walker's printer lacks merit. First, the user to whom the seller information is provided in Walker's system presumably already knows where the printer is, given that the user already uses the printer. Second, Walker only describes

providing the information stored on the printer to the user ***at the printer***. *See Walker*, column 5, lines 18-28. It therefore would not make any sense whatsoever to provide "location information" that identifies *the location of the printer* to the user when the user is *already standing in front of the printer*. From the above, it appears clear that the true motivation for the combination and associated modification is provided by Applicant's own specification and a desire to find a way to reject Applicant's claims. As is well established in the law, such hindsight to the Applicant's own disclosure is *per se* improper. *See Crown Operations International, Ltd. v. Solutia, Inc.*, 289 F.3d 1367, 62 USPQ2d 1917 (Fed. Cir. 2002) (a determination of obviousness cannot be based on a hindsight combination of components selectively culled from the prior art to fit the parameters of the invention).

Regarding the Examiner's comments in the Response to Arguments section on page 10 of the Office Action, Applicant never made any assumption that a printer is only connected to a "single user." Instead, Applicant merely notes that the base reference (Walker) explicitly states that information is provided to users at the printer. Even if the printer is "networked" and used by many users, Walker's own teachings state that information is conveyed to those users at the printer. Therefore, if, as suggested by the Examiner, Walker were also to provide "location information" as to the whereabouts of the printer as taught by Maehara, that information would be provided by Walker's printer at the printer. This makes no sense.

(ii) No Teaching or Suggestion of Identifying a "Region Code"

Turning to the merits of claim 1, the cited references clearly do not render obvious identifying with a printing device a "region code" stored on a component installed within the printing device that identifies a "particular geographical region". First, Walker only teaches storing seller information on a component, not any "region code". Second, although Maehara teaches storing "location information" on a device that indicates where the device is located, Maehara does not describe that "location information" as identifying a "particular geographical region". To the contrary, Maehara's "location information" merely identifies to where the printer is within a given organization to enable an administrator or other person to locate the device when it requires service. Even if one were to take an unduly broad interpretation of "geographical" to encompass the geography of a given business location (e.g., building and floor), Applicant submits that Maehara's "location information" could not reasonably be interpreted as comprising a "geographical region". Specifically, if only a general geographical "region" were specified in the error report generated by the device experiencing the error, an administrator would have a very difficult time in "locating" that device.

In view of the above, neither Walker nor Maehara actually teaches identifying with a printing device a region code stored on a component installed within the printing device that identifies a particular geographical region. Applicant further asserts that the two references when considered together further fail to suggest such identification. Again, Walker is only concerned with identifying a *seller* of an exhausted component to facilitate replacement of the component, while Maehara is only concerned with reporting

device problems and aiding an administrator or other technician in locating the device that requires service. In view of that, a person having ordinary skill in the art would not be motivated to provide a "region code" on Walker's printer.

(iii) No Teaching or Suggestion of "Setting a Geographical Region"

Applicant further asserts that the references do not teach or suggest "setting a geographical region for the printing device to be the geographical region identified by the region code such that only components intended for sale in that geographical region can be used with the printing device". Regarding the Walker reference, Walker does not describe "setting" *anything* for a printing device so as to limit the components that can be used with the printing device. Instead, Walker merely describes providing information as to a seller of an exhausted component. *Nothing is "set" on the printing device and the user is free to choose to purchase from any seller in any geographical region*. As for the Maehara reference, Maehara only describes identifying where a printing device is. Nothing is "set" on Maehara's printing device either. Indeed, if the printing device were moved (e.g., to another floor of the building), that printing device would still continue to identify the previous location given that no "setting" on the printing device changes.

The reason why Walker and Maehara fail to teach or suggest the limitations of claim 1 is that *neither Walker nor Maehara is concerned with setting a geographical region for a device such that only components intended for sale in that geographical region can be used with the printing device*. In view of that fact, the teachings of

Walker and Maehara cannot reasonably be interpreted to account for the explicit limitations of Applicant's claim 1. Applicant therefore submits that claim 1 and its dependents are allowable over the cited combination.

(iv) Dependent Claims

Applicant further asserts that the claims that depend from claim 1 contain further limitations that are not taught or suggested by Walker and Maehara. Regarding dependent claim 4, Walker does not, as argued by the Examiner, store information already stored on the device component on the device itself. Instead, Walker's printer merely (i) reads the information from the component and (ii) displays it for the user. That is why Applicant noted above that Walker's printer does not "set" anything on the printer. As to the Examiner's argument that Walker teaches that the seller information is "stored on the printing device" in contrast with the component itself, Walker simply does not provide that teaching. Applicant notes that the only support the Examiner identifies for his argument is "figure 1." That figure shows no seller information stored on the illustrated printing device.

Regarding dependent claim 5, Walker does not, as suggested by the Examiner, "lock" any information on the printer and neither reference teaches or suggests locking a "region code" "such that only components intended for sale in that geographical region can be used with the printing device". Neither Walker nor Maehara even comes close to teaching or suggesting controlling a device so that only certain components can be used with it. As to the Examiner's argument that Walker teaches a "locked region" of sellers, Applicant again notes that *nothing* is "locked" on Walker's printing

device and, as such, components from *any* geographical region can be used with Walker's printer. Furthermore, column 8, lines 16-39 of the Walker reference, which are relied upon by the Examiner, do not teach or suggest such locking. If the Examiner disagrees, Applicant requests that the Examiner *specifically identify* the language contained within column 8, lines 16-39 that provide that teaching or suggestion. Applicant notes for the record that Applicant made the same request in the previous paper, but the Examiner declined to respond. Instead, the Examiner generally alleged that by presenting a list of sellers of a component, Walker's printer is somehow "locked" such that only components intended for sale in that geographical region can be used with the printing device. Simply stated, such an argument lacks merit. Again, nothing is locked, and components intended for sale in *any* geographical region can be used with Walker's printer, irrespective of which sellers the printer identifies.

Regarding dependent claim 8, neither reference teaches or suggests "accessing a database on the user computer that cross-references the region code with components available for use with the printing device to identify components that can be presented to a user for purchase". First, as described above, neither Walker nor Maehara even contemplates the concept of a "region code". At best, Maehara identifies the location of an imaging device to facilitate location and repair of the device. Second, neither Walker nor Maehara discloses using such a code to locate components identified in a "database".

Regarding dependent claim 9, neither reference teaches or suggests "providing the region code to a device driver that executes on the user computer and wherein accessing a database comprises accessing the database with the device driver".

Indeed, *as confirmed by a computerized word search, neither reference even discusses a "driver" used in conjunction with a printing device.* As to the Examiner's argument in the Advisory Action that a printing device must be operated by a driver, Applicant notes that such a fact still would not account for the claimed action of "providing the region code to a device driver". Simply stated, not only do the references fail to describe a driver, they further fail to teach "providing" a "region code" to such a driver.

b. Claims 10 and 12

Applicant's claim 10 provides as follows (emphasis added):

> 10. A system for implementing device regionalization that executes on a printing device, the system comprising:
>
> means provided on the printing device for *reading a region code embedded within a device component installed within the printing device, the region code identifying a particular geographical region*; and
>
> means provided on the printing device for *setting a geographical region for the printing device to be the geographical region identified by the region code such that only components intended for sale in that geographical region can be used with the printing device.*

As an initial matter, Applicant reiterates that there is no legitimate suggestion or motivation in the prior art to modify Walker's system with the teachings of Maehara.

Turning to the merits of claim 10, neither reference teaches or suggests "means provided on the printing device for reading a region code embedded within a device component installed within the printing device, the region code identifying a particular geographical region" or "means provided on the printing device for setting a

geographical region for the printing device to be the geographical region identified by the region code such that only components intended for sale in that geographical region can be used with the printing device" at least for reasons described above in relation to claim 1.

Regarding dependent claim 12, neither reference teaches or suggests "means for providing the region code to a device driver that executes on a user computer" for reasons described in relation to claim 9 above.

c. Claims 16, 17, and 19

Applicant's claim 16 provides as follows (emphasis added):

> 16. A system stored on a computer-readable storage medium, comprising:
>
> logic for *reading a region code from a device component installed in a printing device, the region code identifying a particular geographical region*;
>
> logic configured to *store the read region code within printing device memory*; and
>
> logic configured to *provide the stored region code to a device driver that executes on a user computer.*

As an initial matter, Applicant reiterates that there is no legitimate suggestion or motivation in the prior art to modify Walker's system with the teachings of Maehara.

Turning to the merits of claim 16, neither reference teaches or suggests "logic for reading a region code from a device component installed in a printing device, the region code identifying a particular geographical region", "logic configured to store the read

region code within printing device memory", or "logic configured to provide the stored region code to a device driver that executes on a user computer" at least for reasons described above in relation to claim 1. Again, the information stored on Walker's printer component is not described as also being stored in "memory" of Walker's printer. Instead, the information is simply read from a printer component (e.g., ink cartridge) by Walker's printer and presented to the user. Also, neither reference even discusses a "device driver".

Regarding dependent claim 17, neither reference teaches or suggests logic configured to "lock the region code on the printing device, such that only components intended for sale in the identified geographical region can be used with the printing device" for reasons described above in relation to claim 5.

Regarding dependent claim 19, neither reference teaches or suggests logic configured "provide the region code to the device driver when the device driver communicates with the printing device to send the printing device a print job" for reasons described in relation to claim 9. Again, neither reference even mentions a driver, much less providing geographical information to the driver when the driver sends a "print job" to the printing device.

d. Claims 24-26

Applicant's claim 24 provides as follows (emphasis added):

> 24. A printing device, comprising:
>
> a processing device; and
>
> memory including a region identification system that is configured to *read a region code from an encoded component installed within the printing device, the region code identifying a particular geographical region*, and to *set a geographical region for the printing device to be the geographical region identified by the region code such that only components intended for sale in that geographical region can be used with the printing device.*

As an initial matter, Applicant reiterates that there is no legitimate suggestion or motivation in the prior art to modify Walker's system with the teachings of Maehara.

Turning to the merits of claim 24, neither reference teaches or suggests a "region identification system" that is configured to "read a region code from an encoded component installed within the printing device, the region code identifying a particular geographical region" or to "set a geographical region for the printing device to be the geographical region identified by the region code such that only components intended for sale in that geographical region can be used with the printing device" at least for reasons described above in relation to claim 1.

Regarding dependent claim 26, neither reference teaches or suggests setting a region code "after a predetermined number of pages have been printed by the printing device". Applicant notes that the Examiner did not provide an explanation as to why claim 26 is rejected. Applicant further notes that the Examiner considered recitations

similar to those in claim 26 found in claims 6, 15, and 18 to comprise allowable subject matter. Applicant requests that the Examiner explicitly identify claim 26 as also comprising allowable subject matter.

e. Claims 27 and 28

Applicant's claim 27 provides as follows (emphasis added):

> 27. A *device driver* stored on a computer-readable storage medium, the driver comprising:
>
> a *component identification module that is configured to receive a region code from a printing device that is controlled by the device driver, the region code identifying a particular geographical region, to access a database using the region code and a device model to determine the components that pertain to the geographical region and the printing device and therefore are available for use with the printing device*, and *to identify the determined components to a device user.*

As an initial matter, Applicant reiterates that there is no legitimate suggestion or motivation in the prior art to modify Walker's system with the teachings of Maehara.

As a second matter, neither reference *even mentions* a "device driver". Given that fact, it is difficult to understand how the references render a claim directed to a "device driver" obvious. Regardless, neither reference teaches a device driver that comprises a component identification module that is configured to "receive a region code from a printing device that is controlled by the device driver, the region code identifying a particular geographical region", "access a database using the region code and a device model to determine the components that pertain to the geographical region and the

printing device and therefore are available for use with the printing device" and "identify the determined components to a device user" at least for reasons described above in relation to claim 1.

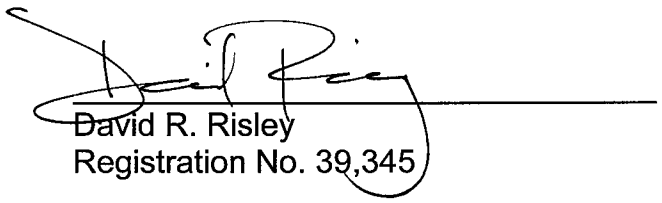
f. Conclusion as to the Rejections Under Section 103

In view of the foregoing it is clear that (i) the references are not properly combinable and there is no suggestion or motivation to modify Walker's system in view of the Maehara reference, and (ii) even if there were proper suggestion/motivation, the references still fail to teach or suggest many of limitations of Applicant's claims. Accordingly, Applicant submits that the rejections are improper and should be overturned.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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